



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 28, 1996

Ms. Elizabeth A. Lunday
Assistant City Attorney
City of Mesquite
P.O. Box 850137
Mesquite, Texas 75185-0137

OR96-0264

Dear Ms. Lunday:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 38567.

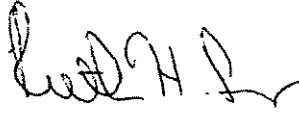
The City of Mesquite (the "city") received a request for the police department's pursuit policy. You have released portions of that policy, but contend that some sections are excepted from disclosure pursuant to section 552.108 of the Government Code. You submitted to this office for review the sections of the policy at issue.

Section 552.108 excepts from required public disclosure certain law enforcement records. To show the applicability of section 552.108, a governmental body must show, if it is not obvious from the documents, how release of the requested information would undermine a legitimate interest relating to law enforcement or prosecution. Open Records Decision No. 434 (1986). The exception is designed to protect law enforcement and crime prevention efforts by preventing suspects and criminals from using records to evade detection and capture, *see* Open Records Decision Nos. 133(1976), 127 (1976), and to protect the safety of police officers. *See, e.g.,* Open Records Decision No. 531 (1989). Whether disclosure of particular records will unduly interfere with crime prevention and prosecution must be decided on a case-by-case basis. Attorney General Opinion MW-381 (1981).

We have reviewed the portions of the pursuit policy that you contend are excepted from disclosure under section 552.108. We have marked the portions that may be withheld from disclosure. The sections of the policy that we did not mark must be disclosed to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 38567

Enclosures: Submitted documents

cc: Mr. David H. Harper
Attorney at Law
3100 Nations Bank Plaza
Dallas, Texas 75202-3789
(w/o enclosures)